

**DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 04-0104
IRP
For The Tax Period 2000-2002**

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ISSUE

I. International Registration Plan -Imposition

Authority: IC 6-8.1-4-2, IC 9-28-4-6, IC 6-8.1-5-1 (b), IC 6-8.1-5-4(a),
IRP Agreement Article IV 400(a), IRP Agreement Article II 210.

The taxpayer protests the imposition of International Registration Plans fees.

STATEMENT OF FACTS

The taxpayer is a corporation engaged in trucking with one truck and a driver. After an audit, Indiana Department of Revenue, hereinafter referred to as the "department," assessed International Registration Plan fees against the taxpayer. The taxpayer protested this assessment. A hearing was held. This Letter of Findings results.

I. International Registration Plan-Imposition

DISCUSSION

The International Registration Plan, hereinafter referred to as the "IRP," is an agreement between various United States jurisdictions and Canada allowing for the proportional registration of commercial vehicles and providing for the recognition of such registrations in the participating jurisdictions. The agreement's goal is to promote the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles. The agreement itself is not a statute, but was implemented in Indiana pursuant to the authority granted under IC 6-8.1-4-2 and IC 9-28-4-6.

The taxpayer was a trucking concern incorporated under the laws of Indiana. The taxpayer's truck was based in Indiana. The taxpayer had an Indiana phone number. The president of the corporation and the only driver was a resident of Indiana. The taxpayer's operational records were kept in Indiana. The taxpayer drove its truck in Indiana.

The taxpayer protests the department's imposition of Indiana excise fees pursuant to IRP and disallowance of the mileage statements submitted to Oklahoma. The taxpayer contends that it paid all necessary IRP fees to Oklahoma through arrangements made by a licensing service. Further, the taxpayer contends that Indiana received its appropriate share of the excise fees from Oklahoma.

All assessments by the department are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b). Taxpayers have the duty to maintain books and records of their affairs and present those to the department for review upon the department's request. IC 6-8.1-5-4(a).

IRP Agreement Article IV 400(a) requires that IRP registrants file for IRP status in its base jurisdiction as defined at IRP Agreement Article II 210 as follows:

“Base Jurisdiction” means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where distance is accrued by the fleet and where operational records of such fleet are maintained or can be made available in accordance with the provisions of Section 1602.

This taxpayer's established place of business was Indiana and its operational records were kept at that place of business. Further, the truck was operated in Indiana. Therefore, the taxpayer's base jurisdiction was Indiana. The taxpayer should have filed for IRP status in Indiana and remitted the IRP fees to Indiana.

The taxpayer also protests the department's disallowance of the mileage filed with Oklahoma as to where the truck operated and how much fee apportionment should be sent to each state. The taxpayer argued that the filing service filled in the numbers and the truck never went to several of the states listed such as California and Connecticut. Since the taxpayer agreed that the mileage amounts listed were estimates, the department had no choice but to disallow those mileage statements. The taxpayer could not produce any records to establish the actual miles the taxpayer's truck traveled through the various states during the audit period. Indiana properly apportioned all the miles and related IRP fees to Indiana because there were no records establishing which other states should receive proportional shares of the plate fee

FINDING

The taxpayer's protest is denied.